

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-859V
UNPUBLISHED

ALEXIS LAINEZ and CESAR
MONTOKA,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 25, 2021

Voluntary dismissal; Order
concluding proceedings

ORDER CONCLUDING PROCEEDINGS¹

On February 1, 2021, Alexis Lainez and Cesar Montoya filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34.² Petitioners alleged that their minor child died due to various vaccinations that the child received on December 11, 2020. ECF no. 1. On May 20, 2021, Petitioners filed a notice of voluntary dismissal.³

In light of Petitioners' "notice of dismissal at any time before service of respondent's report" pursuant to Vaccine Rule 21(a)(1)(A), **this case is dismissed without prejudice.**

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

¹ Although I have not formally designated this Order for publication, I am required to post it on the United States Court of Federal Claims' website because it contains a reasoned explanation for the action in this case, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Order will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755.

³ The May 7, 2021 order required the apparent Petitioners, Alexis Lainez and Cesar Montoya, to file "Proof of Authority to File in a Representative Capacity" to comply with Vaccine Rule 2(c)(2)(C). The apparent Petitioners did not file any probate documents to establish who has been appointed as the executor(s) or personal representative(s) of the minor child's estate. Thus, it remains unclear whether Alexis Lainez and Cesar Montoya had the authority to file this case on behalf of their minor child.